AMA and Wisconsin Medical Society: together we are stronger

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When it comes to health care in the news, today’s headlines more often than not focus on health system reform. The American Medical Association (AMA) has been hard at work on behalf of patients and physicians to ensure that health system reform happens and that physicians are heard as proposals are advanced at the national level. There is no question that the debate at times has been heated, but the AMA is committed to finding lasting solutions to the shortcoming of our current system. Although Congress is in recess at this writing, those efforts continue and will evolve in the coming weeks and months. (I encourage you to stay abreast of new developments by visiting the AMA’s dedicated health system reform website: www. HSRCon.org.)

The AMA’s efforts are not focused solely at the national level, however. In Wisconsin, the AMA Litigation Center is working with the Wisconsin Medical Society on another issue critical to health care in our state: protecting Wisconsin’s Injured Patients and Families Compensation Fund (Fund).

The Fund is unique and is one of the key reasons Wisconsin has not experienced the medical liability crisis that has plagued so many states. For over 30 years, it has existed to provide recovery for unlimited economic damages to patients injured through a medical mistake, along with reasonable compensation for noneconomic damages such as pain and suffering and loss of enjoyment of normal activities, patients in Wisconsin have a safety net found in few other states. Today that Fund is in jeopardy and, subsequently, so may be patients’ access to high-quality health care. During the 2007-2008 biennium, the State of Wisconsin took a total of $200 million from the Fund to balance its own budget, even though there are no taxpayer dollars in the Fund and the money in the Fund is held in trust for the exclusive purpose of paying medical liability claims. The Wisconsin Medical Society (Society) responded by filing suit against the State of Wisconsin for return of these funds, plus interest.

The Society believes the money in the Fund was not the State’s to take, and the raid eroded the financial integrity of this essential safeguard. Because the Fund provides stability to the medical liability environment, erosion of the Fund’s assets is likely to have a strong negative impact on the recruitment and retention of quality health care professionals in Wisconsin. This, in turn, will likely impact a patient’s access to doctors at a time when we are experiencing a growing shortage of health care professionals, particularly in the inner city and rural areas.

The lawsuit has received intense media coverage. During the 2007-2008 biennium, the Society responded by filing suit against the State of Wisconsin for return of funds, plus interest. The lawsuit has received intense media coverage. In 2008, the New Hampshire court’s decision was that the proposed raid was unjust and unlawful.

The New Hampshire court’s decision also joined the New Hampshire State Medical Society in supporting a challenge to the new law. And while the New Hampshire Fund could not be implemented. The AMA Litigation Center also joined the New Hampshire State Medical Society in supporting a challenge to the new law. And while the New Hampshire Fund could not be implemented. The AMA Litigation Center also joined the New Hampshire State Medical Society in supporting a challenge to the new law.

The AMA Litigation Center has provided significant support both financially and, in June, by joining with the American Academy of Family Physicians and several Wisconsin specialty societies to file an amicus brief on the Society’s behalf.

In July, a New Hampshire court ruled that a new law passed by that state to take money from a protected fund was unconstitutional and, therefore, could not be implemented. The AMA Litigation Center joined the New Hampshire State Medical Society in supporting a challenge to the new law. And while the New Hampshire Fund could not be implemented, the AMA Litigation Center joined the New Hampshire State Medical Society in supporting a challenge to the new law.

The New Hampshire court’s decision preserves the integrity of a fund that provides a safety net to patients.

The Society’s lawsuit against the state is now in the Court of Appeals. Hopefully, Wisconsin’s appellate court will also recognize the importance of preserving the integrity of the Injured Patients and Families Compensation Fund by upholding the clear statutory mandate that the money in the Fund be held in an irrevocable trust to pay the claims of injured patients and their families and not be used for any other purpose. The AMA Litigation Center is committed to working with the Society to protect the Fund, which truly is a model for the rest of the nation. I encourage all physicians to continue as members of both the Society and the AMA. Together, we are stronger.
The mission of the *Wisconsin Medical Journal* is to provide a vehicle for professional communication and continuing education of Wisconsin physicians.

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